

UNITED STATES DISTRICT COURT  
STATE OF RHODE ISLAND

The Estates of YARON UNGAR and  
EFRAT UNGAR, et als.

vs.

C.A. No. 00-105L

THE PALESTINIAN AUTHORITY  
(A.K.A. "THE PALESTINIAN INTERIM  
SELF-GOVERNMENT AUTHORITY"), et als.

**PETITION OF PLAINTIFFS FOR ISSUANCE OF LETTER OF REQUEST FOR  
JUDICIAL ASSISTANCE PURSUANT TO THE HAGUE CONVENTION OF 18  
MARCH 1970 ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR  
COMMERCIAL MATTERS**

Plaintiffs herewith petition the Court to issue the attached Letter of Request for Judicial Assistance to obtain evidence to be used in proceedings before this Court.

The evidence requested includes: forensic documents relating to the circumstances of the deaths of decedents Yaron and Efrat Ungar; documents relating to the criminal files of defendants Abdel Rahman Ismail Abdel Rahman Ghanimat, Jamal Abdel Fatah Tzabich Al Hor, Raed Fakhri Abu Hamdiya and Iman Mahmud Hassan Fuad Kafishe, who were convicted by an Israeli court of participating in the murder of decedents; and documents relating to the criminal file of defendant Ibrahim Ghanimat, against whom an arrest warrant has been issued by an Israeli court for his involvement in the murder of decedents.

Plaintiffs have served complaints and summonses on the aforementioned defendants, as well as on defendant Hamas - Islamic Resistance Movement (hereinafter: Hamas), none of which defendants has entered an appearance or filed any pleadings in response to the complaint. Plaintiffs are therefore preparing a Motion for Entry of Default against these defendants.

Counsel believes that the requested documents will be necessary and beneficial to the Court in assessing damages against defaulting defendants, particularly regarding damages for



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the pain and suffering of decedents prior to their deaths, as well as punitive damages claimed by the plaintiffs on the basis of defendants' actions which are described in detail in the requested documents.

Also requested are documents relating to the criminal file of Mohammed Salah of Bridgeview, Illinois, who was convicted by an Israeli court in 1995 of heading and operating defendant Hamas' financial apparatus in the United States. On the basis of his activities on behalf of defendant Hamas, Mohammed Salah was in 1995 designated by the United States government, and remains today, a "Specially Designated Terrorist" pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and Executive Order 12947.

Plaintiffs contend that Mohammed Salah is "an officer" and/or "a managing or general agent" of defendant Hamas within the meaning of Rule 4(h)(1) of the Federal Rules of Civil Procedure, and on June 21, 2000 served Salah, at his home in Illinois, with a complaint and summons addressed to defendant Hamas. Subsequently, plaintiffs' counsel received a letter from counsel for Mr. Salah claiming that Mr. Salah is not now nor has ever been a member of Hamas.

Plaintiffs intend to utilize the requested documents relating to Mohammed Salah's Israeli conviction to support their Motion for Entry of Default against defendant Hamas. Specifically, plaintiffs intend to utilize these documents to support their assertion that Mr. Salah is "an officer" and/or "a managing or general agent" of defendant Hamas within the meaning of Rule 4(h)(1) of the Federal Rules of Civil Procedure, and that the service of process on Mr. Salah on June 21, 2000 constituted lawful service on defendant Hamas. Therefore, counsel believes that the requested documents are necessary for the Motion for Entry of Default against defendant Hamas, and will be beneficial to the Court in considering that Motion as well as subsequent proceedings.



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Plaintiffs request that the Court submit the Letter of Request to the Central Authority designated by the State of Israel pursuant to Article 2 of the Hague Convention, which is:

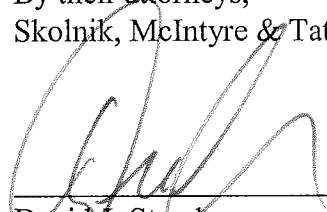
Director of Courts  
Directorate of Courts - Legal Assistance to Foreign Countries  
Attention Brian Zietman  
22 Kanfei Nesherim Street  
Jerusalem, Israel

Plaintiffs will provide counsel for all appearing defendants with complete copies of all documents received pursuant to the Letter of Request.

Plaintiffs will pay all costs incurred in executing the Letter of Request.

WHEREFORE, Plaintiffs pray that the Petition be granted and that the Letter of Request issue.

Plaintiffs  
By their attorneys,  
Skolnik, McIntyre & Tate Esquires, Ltd.



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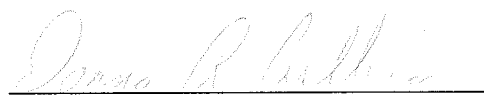
CERTIFICATION

I hereby certify that on the 26 day of July, 2000, I mailed a true copy of the within to:

Ramsey Clark, Esquire  
Lawrence W. Schilling, Esquire  
36 East 12<sup>th</sup> Street  
New York, NY 10003

Deming E. Sherman, Esquire  
EDWARDS & ANGELL, LLP  
2800 Bank Boston Plaza  
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